

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11182 of 1996

Dated:01-02-2007

Between:-

S. Yadagiri

..Petitioner

And

M/s. Leather Industries Development Corporation of
Andhra Pradesh Limited
(A State Government undertaking)
rep., by its vice-Chairman & Managing Director,
Samrat Complex, Saifabad, Hyderabad and another.

..Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No. 11182 of 1996

:O R D E R:

This writ petition is filed seeking a writ of Certiorari to call for the records relating to the charge Memo: LIDCAP/Admn./1-465/79-80 dated 13-05-1996 issued by the respondents and quash the same as arbitrary and illegal .

It appears that the petitioner along with others filed earlier Writ Petition No.22084 of 1995 for implementation of the revised pay scales of 1993. In the said writ petition, interim order was granted. When the interim orders in the said writ petition were not implemented, C.C.No.1048 of 1995 was filed. The respondents aggrieved by the said action of initiating contempt proceedings, issued a charge Memo dated 13-05-1996 against the petitioner, which is impugned herein. The petitioner is a Driver and General Secretary of LIDCAP Staff and Workers' Union. The charge against the petitioner is that he had filed the Contempt Case No. 1048 of 1995 before this court against Sri R. Sunder Singh, I.A.S., VC & MD, LIDCAP which is contrary to the Corporation circular orders and further the petitioner has not taken written consent of the employer - LIDCAP and therefore committed a grave misconduct and hence the charge sheet was issued. There is no necessity of

going into all the details. *Ex-facie* the impugned order/charge sheet is illegal. It was issued when a contempt case was filed against the respondents by the petitioner before this court complaining disobedience on the part of the respondents in implementing the interim orders in the writ petition No.22084 of 1995. Now the grievance of the respondents is that the petitioner had not taken any permission before initiating contempt proceedings against the VC & MD of LIDCAP and such action of the petitioner is contrary to the disciplinary rules of the Corporation. This is nothing but a misconception on the part of the respondents that unless and until a written consent is given by the respondent-employer, the petitioner-employee could not have initiated contempt proceedings before this court. Therefore, the issuance of the charge sheet against the petitioner contemplating disciplinary action against him is atrocious and not recognised by the civil society. Therefore, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside. The writ petition is allowed. No costs.

C.V.
RAMULU, J

Dated: 01-02-2007.
Pvks/*